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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/942,168	10/01/97	LIU J	MNFRAME.040A

EXAMINER	
RADERMAN, S	
ART UNIT	**PAPER NUMBER**
2785	12/13

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DATE MAILED: 12/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/942,168	Liu et al.
Examiner	**Group Art Unit**
Scott T. Baderman	2785

☒ Responsive to communication(s) filed on *Sep 21, 1999* .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-44* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-44* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *1, 6, 8, 11*

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Examiner: Scott T. Baderman

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed on June 21, 1999, paper number 8, does not contain a copy of the non-patent literature therein. These documents will not be considered until copies are provided. Also, it appears that an IDS was filed on August 23, 1999, paper number 9. However, this IDS can not be found in the file. The Examiner requests that a copy of this IDS and the associated documents be sent in response to this Office action. Further, it is noted that the redundant documents throughout the multiple IDSs have been crossed out.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 30, 35 and 41-44 are rejected under 35 U.S.C. 102(a) as being anticipated by Sun Microsystems Computer Company, "Solstice SyMON User's Guide" (hereinafter " SyMON").

Claims 30 and 41-44 are being rejected for the same reasons set forth in the previous Office action, paper number 7, paragraph number 2, mailed May 21, 1999.

As in claim 35, SyMON "identifies hardware and software conditions quickly", Page 1-1 (detects a system failure condition). In SyMON data (such as the "state of its components" - failure information, SyMON page 1-2) that is gathered by the Data Capture Layer (see SyMON page 1-2) is transmitted (via a modem) to the Management Application Program (which typically runs on a different machine in the network) (see SyMON pages 1-2 and 1-3). This information is saved (the current state is always saved), and failure information is saved to a log file with time values (SyMON page 1-3). The Event Handler is responsible for reporting the occurrence of an event to the CPU. In SyMON, the Graphical User Interface (see SyMON page 1-3) is responsible

for notifying an operator (which typically is on a remote computer), of a failure through the use of displaying a message on the monitor coupled to the system. The user is also able to view the system log information.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over SyMON in view of Ote et al. (5,815,652).

As in claims 1 and 2, SyMON describes an invention for reporting a failure in a computer system. SyMON "identifies hardware and software conditions quickly", Page 1-1 (detects a system failure condition). In SyMON data (such as the "state of its components" - failure information, SyMON page 1-2) that is gathered by the Data Capture Layer (see SyMON page 1-2) is transmitted to the Management Application Program (see SyMON page 1-3). This information is saved (the current state is always saved), and failure information is saved to a log file (SyMON page 1-3). The Event Handler is responsible for reporting the occurrence of an event

to the CPU. However, SyMON does not clearly disclose the step of transmitting the failure information to an independently functional system recorder. Ote discloses a method wherein an independent computer (fault monitoring extended board) monitors and stores fault information from another computer wherein the monitoring computer has a processor independent from the computer where the fault occurred (Figure 2, Abstract, column 1: lines 38-58).

It would have been obvious to a person skilled in the art at the time the invention was made to include an independent system recorder in the method taught by SyMON above. This would have been obvious because Ote clearly teaches that by having a processor independent from the computer in which the fault occurred, allows the monitoring to continually be conducted even if a critical fault (e.g., a power failure) which leads to non-operation of the network operating system occurs on the computer that is being monitored (column 1: lines 38-58).

As in claims 3 and 4, SyMON discloses a Graphical User Interface (see SyMON page 1-3) which is responsible for notifying an operator of a failure through the use of displaying a message on the monitor coupled to the system.

As in claim 5, SyMON maintains a "log file of Solstice SyMON-detected conditions for future analysis" (page 1-2) which implies that the system operator is capable of accessing the failure information from the system log.

As in claim 6, SyMON records the time that events occur (page 1-3).

As in claim 24, SyMON and Ote disclose the method in claims 1, 3 and 4 which contain similar limitations like that in claim 24.

6. Claims 7-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over SyMON in view of Ote et al., as applied to claims 2 and 24 above, and further in view of Shigematsu et al. (5,432,715).

As in claims 7 and 8, SyMON discloses a system for reporting a failure in a computer system. SyMON does not explicitly describe the process of event signal transmission. Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common polling technique is to have the sending device transmit an interrupt signal to the receiving device and then have the receiving device respond by reading the message stored by the sending device.

It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claims 9 and 10, SyMON discloses a system for reporting a failure in a computer system. SyMON does not explicitly describe the process of event signal transmission. Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common polling technique is to have the receiving device check with a register of the sending device at periodic intervals to see if a message is waiting.

It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claims 11, 12 and 13, SyMON discloses a system for reporting a failure in a computer system. SyMON does not explicitly describe the process of event signal transmission. Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common polling technique is to have the sending device transmit an interrupt signal to the receiving device and then have the receiving device respond by reading the message stored by the sending device. Both SyMON and Shigematsu include reporting the occurrence of an event to a computer via a remote interface. It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claims 14 and 15, Both SyMON and Shigematsu are designed to notify an operator of the failure, through a display message on a monitor.

As in claim 16, SyMON provides for a log of failure information which can be viewed by an operator.

As in claims 17 and 18, Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common transmission technique is to have the sending device transmit a ready to read signal to the receiving device and then have the receiving device respond by reading the message stored by the sending device. Both Shigematsu and SyMON (see page 1-2 "the MAP ... typically runs on a different machine in the network) can report error events to a remote computer, within the network. It is understood that network communications can be performed via modem to modem connections.

It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claim 19, in order for a communications device to communicate with another, it must first establish a connection, for a modem connection, this would be performed by calling the phone number connected to the other computer.

As in claim 20, An implied component of any computer-to-computer connection involve verification of access authority.

As in claim 21 and 22, Both SyMON and Shigematsu are designed to notify an operator of the failure, through a display message on a monitor.

As in claim 23, SyMON provides for a log of failure information which can be viewed by an operator.

As in claims 25 and 26, SyMON discloses a system for reporting a failure in a computer system. SyMON does not explicitly describe the process of event signal transmission. Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common polling technique is to have the sending device transmit an interrupt signal to the receiving device and then have the receiving device respond by reading the message stored by the sending device.

It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claims 27 and 28, SyMON discloses a system for reporting a failure in a computer system. SyMON does not explicitly describe the process of event signal transmission. Shigematsu et al also discloses a system for reporting a failure in a computer system. The invention of Shigematsu includes a self-monitoring unit (component 5-1) which is responsible for monitoring the status of a system. This unit is responsible for generating a message and sending it to the message transmitting unit. Although Shigematsu does not refer to the setting of a bit in a bit vector, it is understood that the status of devices will likely be represented as a bit in a bit vector. One common polling technique is to have the receiving device check with a register of the sending device at periodic intervals to see if a message is waiting.

It would have been obvious at the time the invention was made to include a interface between a monitoring unit and the monitoring CPU. A person of ordinary skill in the art would have been motivated to include an interface in order to distribute processing and facilitate communication to the CPU.

As in claim 29, SyMON monitors the state of its hardware components. Page 3-5 further indicates that temperature is a monitored property.

7. Claims 31-34 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over SyMON in view of Shigematsu et al..

This rejection is being applied for the same reasons set forth in the previous Office Action, paper number 7, paragraph number 4, mailed May 21, 1999.

Response to Arguments

8. Applicant's arguments filed September 24, 1999, with respect to claims 30-44, have been fully considered but they are not persuasive.

With respect to claims 30-44, the Applicant contends that these claims contain similar limitations like that in claims 1 and 24, specifically the "independent" system recorder. The Examiner respectfully disagrees. After reviewing claims 30-44, there is no mention of the system recorder as being "independent." Based on this, the Applicant's arguments concerning these claims is deemed moot.

With respect to claim 35, the Examiner believes that the Applicant is referring to the limitations in claim 36 which is also in claims 9, 12, 18, 25, 27 and 31. Here, the Applicant argues that "Shigematsu does not refer to the bit setting technique in the message as a means to indicate the type of failure." Based on the previous Office action, the Examiner agrees with the Applicant. However, the Examiner contends that it is well known in the art that the status of devices (including the types of failures within the devices) will be represented as a bit in a bit vector. The Applicant does not challenge this statement in the response.

9. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents

Nakamura (5,708,775)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T. Baderman whose telephone number is (703) 305-4644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-3718 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

STB

December 7, 1999

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GROUP 2700